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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,687	06/26/2003	Cristian Constantino	7000-237A	6283
27820 7590 03/11/2008 WITHROW & TERRANOVA, P.L.L.C. 100 REGENCY FOREST DRIVE SUITE 160 CARY, NC 27518			EXAMINER NGUYEN, QUYNH H	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 03/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/606,687

Applicant(s)

CONSTANTINOF, CRISTIAN

Examiner

QUYNH H. NGUYEN

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 35 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) recites "A tangible computer readable media" which was not described in the specification.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 recites "...authorized users...". It is unclear as who are authorized users. Are the one who pay the bills? Claims 18 and 35 have the same defects.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5, 10-22, and 27-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindgren et al. (U.S. Patent 6,775,534).

As to claims 1, 18, and 35, Lindgren et al. teaches the steps of:

receiving call setup requests from at least one originating device (Fig. 1; col. 2, line 31 through col. 4, line 4);

determining select call setup requests for the call setup request (col. 3, lines 6-16; col. 5, lines 12-22), the select call setup requests being received from authorized users to initiate a call for emergency services (Fig. 4; col. 4, lines 18-21).

forwarding the select call setup requests toward at least one terminating device associated with the emergency services (col. 3, lines 51-58; col. 5, lines 58-64),

wherein one of the at least one originating or terminating devices resides on a packet network (Fig. 1; col. 2, lines 10-23).

As to claims 2 and 19, Lindgren et al. teaches ones of the call requests that are not the select call requests are not forwarded toward the at least one terminating device (Fig. 4; col. 4, lines 18-21).

As to claims 3-4 and 20-21, Lindgren et al. teaches creating emergency information for each of the select call setup requests wherein the emergency information is provided in a emergency header field; and inserting the emergency information into the select call setup requests prior to forwarding the select call setup request (col. 3, lines 30-51).

As to claims 5 and 22, Lindgren et al. teach the attach request is transmitted as the mobile identity and there is Ciphering Key Sequence Number (col. 4, lines 29-32).

As to claims 10 and 27, Lindgren et al. teaches sending the select call setup requests to a proxy for the at least one terminating device (col. 2, line 66 through col. 3, line 67).

As to claims 11 and 28, Lindgren et al. teaches the call setup requests are received over the packet network and the select call setup request are forwarded toward the at least one terminating device over the packet network (Fig. 1; col. 2, lines 8-23; col. 3, lines 6-41).

As to claims 12, 15, 29, and 32, Lindgren et al. teaches the call setup requests are received over the packet /circuit switch network and the select call setup request are forwarded toward the at least one terminating device over the circuit switch / packet network (Figs. 1 and 4; col. 5, lines 31-45; col. 6, lines 17-20).

As to claims 13, 16, 30, and 33, Lindgren et al. teaches the call setup requests forwarded toward at least one terminating device over the circuit switched network are initial address messages (Figs. 1 and 4).

As to claims 14, 17, 31, and 34, Lindgren et al. teaches session initiation protocol INVITE messages (col. 3, lines 30-47).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6, 9, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindgren in view of Kroll (US 6,370,234).

As to claims 6, 9, 23 and 26, Lindgren does not teach inserting the selected priority levels into corresponding ones of the select call setup requests.

Kroll teaches inserting the selected priority levels into corresponding ones of the select call setup requests (abstract; Fig. 2; col. 2, line 35 through col. 4, line 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kroll into the teachings of Lindgren for the purpose of sorting through emergency calls for priority calls, and eliminating the redundant calls so the operators will only deal with the real emergencies and dispatching appropriate rescue personnel to that incident, as discussed by Kroll (col. 1, lines 8-25).

9. Claims 7-8 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindgren in view of Turner et al. (US 2007/0121590).

As to claims 7-8 and 24-25, Lindgren et al. does not teach sending requests toward terminating device when at least one terminating device and network elements are in an overload conditions.

Turner et al. teaches sending requests toward terminating device when at least one terminating device and network elements are in an overload conditions (paragraph [0063]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Turner into the teachings of Lindgren for the purpose of developing strategy to circumvent routing restrictions during network overload or failure conditions.

Response to Arguments

10. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2614

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quynh H Nguyen/
Primary Examiner, Art Unit 2614